

Remarks

Claims 1-7 and 15-17 remain in the application while claims 8-14 continue to be withdrawn from consideration per the election made by Applicant responsive to the restriction requirement imposed by the Examiner. Amendments to address formal objections to claims 1-7 and 15-17 are submitted together with arguments in support of original claim limitations that particularly and patentably define the present invention over the prior art of record. Accordingly, the application is considered in condition for allowance.

The Examiner made the restriction requirement final. The Examiner maintained his position that the inventions have acquired a separate status in the art, despite the fact that no such separate status is established by the search classification parameters identified by the Examiner.

The Examiner objected to claims 1-7 and 15-17 as indefinite for several informalities. The Examiner's objection to the recitation said closure has been addressed in claim 1 by adding recitation of a closure to the preamble of the application, and the reference to said closure has been replaced by the closure to refer to an element of the preamble. Similar amendments have been made to claim 15 which already recited the closure panel in the preamble and completes a subsequent, consistent recitation to the closure panel. The Examiner objected to claim 16 as referring to a link assembly without antecedent basis, and the addition of the precedent word assembly as been added to claim 16. Claim 17 has been amended to depend from claim 16 so that the mount referred to in claim 16 is further defined by the limitations of the claim. Accordingly, the claims are now definite under 35 U.S.C. § 112.

The Examiner rejected claims 1-3 under 35 U.S.C. § 103(a) as unpatentable over Nagy in view of Barkley. The Examiner repeated language of the claim as argument that the limitations are shown by patent illustrations of Nagy, although such a position is not supported by the record. In particular, Figures 5-8 demonstrate that the reference fails to disclose a coil having a first coil end with a first strand end, an opposite end and a second

strand portion extending across the coil from said opposite coil end to said first coil end, to engage said link assembly at said first coil end. Rather, as demonstrated in the patent's figures, a strand portion extending from a first coil end stays at the first coil end, while a strand end extending from an opposite end of the coil is displaced from the first end and remains at said second coil end for engagement with parts positioned at the second end. Accordingly, there is no teaching or suggestion that a second strand portion extends across the coil from the opposite coil end to the first coil end. Moreover, there is no teaching or suggestion that coil ends spaced apart by the length of the coil should be positioned at the first coil end. For example, as shown in Figure 8, the arm 15 includes a forwardly projecting hook which extends away from the first coil end and toward connection with a piece adjacent the second end of the coil. Accordingly, the teachings of Nagy do not anticipate nor make obvious the structural limitations defined in the claim.

While the Examiner acknowledged that Nagy lacks a closure hinge mounted in a peripheral channel of the body, the Examiner argued that such a teaching is provided by Barkley. However, Barkley teaches both a hinge structure and a separate stored energy assist mechanism that cooperate to displace a deck lid. Only the hinge structure of Barkley is positioned within the channel, while the assist mechanism is located in the opening and within the trunk compartment under the fender panel in the vehicle body. As a result, Barkley teaches separation of the stored energy system with respect to the gutter mounted hinge mechanism, and does not teach or suggest how such an assembly could be accommodated within the peripheral channel around the trunk. Moreover, Barkley adds little to the teachings of Nagy that would teach or suggest a strand portion extending across a coil from the opposite coil end to a first coil end to engage the link assembly at the first coil end. Neither Barkley nor Nagy show such a structure nor suggest that such modification would be incorporated in their mechanism. Rather, as the bent torsion bar spring of Barkley occupies substantially greater space than the laterally coiled spring of Nagy, a motivation for combining these references does not result from the combined teachings. Moreover, the combination does not result in the claimed structure.

Accordingly, claims 1, 2 and 3 particularly and patentably define the present invention of the teachings of the references. Moreover, Barkley's teachings of multiple structures in order to assist the channel mounted hinge structure is not a teaching or suggestion of incorporating the assembly as a unit in the channel as defined in claim 2. In addition, the lateral bending of a torsion bar taught by Barkley et al. is a substantial departure from geometrical shaping of the strand as referred to in claim 3.

The Examiner rejected claims 4-5 under 35 U.S.C. § 103 as unpatentable over Nagy in view of Watanabe. As argued above, the second strand portion extending across the coil from an opposite coil end to a first coil end is a feature not taught or suggested by Nagy. Likewise, Watanabe also fails to teach or suggest such a modification of the teachings of Nagy. As a result, the geometrical cross section changes of the strand taught by Watanabe do not provide link assemblies connectable at a first coil end despite coiling of the strand. Moreover, cross sectional changes shown by Watanabe do not teach or suggest the position changes of the strand ends at the ends of the coil as claimed. As a result, the combined references do not result in or provide any motivation for the claimed invention as defined in claims 4 and 5.

The Examiner rejected claims 1 and 6-7 as unpatentable over Borsani in view of Nagy and Barkley. However, the toggle hinge arrangement of Borsani discloses that the links are shaped to serve as a stop for defining a stable position of the hinge. The ends of the coils operate on different members and are displaced apart from each other to operate different portions of the assembly in spaced apart positions along the axis of the coil. There is no teaching or suggestion of a structure or the benefit of extending a strand portion across the coil from the opposite coil end to the first coil end. Moreover, alignment of the coil adjacent to the assembly, where the axis of movement of the coil ends is parallel to the plane of displacement of the hinge assembly, does not teach or suggest any transverse or lateral alignment of the coiled springs with respect to a linkage assembly. As a result, there is no teaching or suggestion that the transverse coil alignment of Nagy would work or be useful in the Borsani hinge. As discussed above, Nagy does not teach or suggest a strand portion extending across the coil from the opposite coil end to the first coil end to engage the link

assembly at the first coil end, and thus does not teach or suggest such an arrangement in the linkage of Borsani. Likewise, Barkley teaches the addition of stored energy assistance by incorporating additional hinge structures within the opening and within the confines of the trunk compartment, and outside of the peripheral channel around the trunk. Such a teaching is substantially contrary to the teachings of a hinge arrangement of laterally coiled spring with a link assembly that fits conveniently in a peripheral channel. As a result, the combined teachings of the references fail to teach or suggest the invention defined in the claims.

The Examiner rejected claims 15-16 as being unpatentable over Borsani in view of Nagy. As argued above, the claimed structure is not shown nor would it result from combining the teachings of Borsani and Nagy.

The Examiner rejected claim 17 under 35 U.S.C. § 103 as unpatentable over Borsani in view of Nagy and Barkley. As discussed above, Barkley expressly teaches against incorporating the energy storage assist mechanism 34 within the channel peripherally surrounding the trunk opening. Rather, Barkley teaches that the spring should extend beneath the area of the peripheral channel so as to avoid interference with the other features. The Examiner's position, that extending a strand of the coil across the coil from an opposite end to a first end, does not result from following the teachings of Borsani, Nagy or Barkley in combination or individually. Rather, the claim limitations particularly and patentably define a feature not shown, suggested or motivated by these references.

The amendments addressing the formal objections raised by the Examiner are consistent with previous description and do not add new matter to the application. Moreover, the original claim limitations that define the invention over the cited references remain the same as originally submitted, and do not narrow the scope or add new limitations that were not previously discussed. Accordingly, all of the amendments are proper and fully supported by the original disclosure.

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In view of the foregoing, applicant respectfully submits that the present application is now in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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